

**IN THE FEDERAL DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA**

STEPHANIE J. MEGEL, an individual,  Plaintiff,  v.  KEEPING UP WITH THE JONESES, INC. d/b/a JONES BROS CUPCAKES,  Defendant.	Case No. 8:18-cv-201  <b>COMPLAINT</b>  JURY TRIAL DEMANDED  PLACE OF TRIAL: OMAHA
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**INTRODUCTION**

1. Stephanie Megel (“Ms. Megel”) worked at Jones Bros Cupcakes (“Jones Bros”) for over five (5) years before she felt compelled to resign her employment due to a work environment utterly permeated with unaddressed sexual harassment and hostility towards women. Jones Bros repeatedly demonstrated its commitment to providing a safe-haven for Jerry Jones Jr.’s (“Jerry Jones”) lewd and sexually explicit harassing conduct by refusing to address Ms. Megel’s numerous complaints. Eventually, Jones Bros left Ms. Megel with no choice but to leave her managerial position with the company and accept a lower paying position elsewhere. Ms. Megel’s new position required her to drop out of school and put her long term career goals on hold.

**VENUE & JURISDICTION**

2. This matter arises under federal and state law. This Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1331 based on Ms. Megel’s claims based on federal statutes. The Court also has supplemental jurisdiction of the Nebraska state law claims, pursuant to 28 U.S.C. § 1367.

3. Venue is proper in this district pursuant to 28 U.S.C § 1391(b)(2), because the acts forming the basis for the Complaint were orchestrated from, planned in and conducted in this District.

### **PARTIES**

4. Ms. Megel is a woman and resident of Omaha, Nebraska. Jones Bros hired Ms. Megel on May 1, 2010. Ms. Megel felt compelled to resign her position on October 13, 2016, after Jones Bros utterly failed and refused to address her many complaints about rampant sexual harassment.

5. Defendant Jones Bros is a family-run cupcake bakery and Nebraska Corporation. Jones Bros sells food, cupcakes and other deserts from several store fronts in Omaha, Nebraska.

### **BACKGROUND FACTS**

6. Stephanie Megel worked at Jones Bros from May 1, 2010 through October 27, 2016. She was promoted to her position as Office Manager in or around 2013. As Office Manager, Ms. Megel had a variety of responsibilities including taking orders, wedding consultations, acquiring supplies for Jones Bros stores, planning events, and merchandising.

7. As early as June 2013, Ms. Megel noticed that catering manager Jerry Jones, Jr. made sexual comments to catering assistant Elisha Erlbacher. These comments occurred on a regular basis and were of a lewd and sexual nature. By way of example, in 2016, Jerry Jones told Ms. Erlbacher that she could not wear her green blouse when Jones Bros did its LinkedIn catering because the blouse was tight and it made Jerry Jones "hard."

8. Jerry Jones also regularly commented about the size of his own penis and his desire to "fuck somebody." He told Jones Bros employees that his marriage had been unsuccessful because his ex-wife was "fat" and he "didn't want to f\*\*k her anymore." He made inappropriate jokes about the size of his penis and his sexual encounters with his fictional girlfriend, stating on more than one occasion that his girlfriend wanted him to "f\*\*k her with 9 inches, so I had to bang her three times"

9. Jerry Jones regularly commented on the bodies and general appearance of female Jones Bros customers, often further fantasizing – verbally and in front of Jones Bros employees – as to what he would do to female customers’ bodies.

10. Jerry Jones once stated that he particularly enjoyed working at the 180<sup>th</sup> Street Jones Bros location because all of the “hot young moms” brought their kids in for lunch.

11. Several female employees resigned due to Jerry Jones’ sexual harassment and the hostile work environment that his comments and jokes created.

12. Jerry Jones directed demeaning and abusive comments to Ms. Megel. In December 2015, Jerry Jones told Ms. Megel that she thought she was a “hot shot,” but that she “wasn’t anything” and was “replaceable.” Ms. Megel was insulted by Jerry Jones’ comments and complained to Bill Jones, but he refused to do anything about the problem. Bill Jones said he “didn’t need the drama” because it was a busy time for the business.

13. Ms. Megel complained to Bill Jones multiple times regarding Jerry Jones behavior, but Bill Jones never acted on Ms. Megel’s complaints. In fact, Jerry Jones’ behavior often became worse after Ms. Megel complained.

14. In August 2016, Ms. Megel interviewed a potential new employee, Julieann Brock. During the interview, Jerry Jones stood behind Ms. Brock and simulated oral sex. Later, Jerry Jones encouraged Ms. Megel to hire Ms. Brock because “she was hot.” Jerry Jones rubbed his hands together and further stated, “I’d like to work with her, she’s at the Aksarben location, right?”

15. Ms. Megel was tired of Jerry Jones’ behavior and again complained to Bill Jones. Bill dismissed Ms. Megel’s complaints, stating, “that’s just Jerry.” Ms. Megel even requested that Jones Bros fire Jerry Jones so that it could provide a harassment-free workplace. Bill Jones responded by explaining that he wouldn’t fire his own brother, stating, “The only reason he has a job here is because he’s unemployable anywhere else.”

16. In October 2016, Bill Jones went on vacation with his family. He requested that, in his absence, Ms. Megel keep things in line at Jones Bros' bakery and office. Bill Jones allowed Jerry Jones to oversee the store locations.

17. While Bill Jones was out of town, Jones Bros' bakery oven stopped working. Ms. Megel handled the problem and set an appointment for a repairman to come look at the oven.

18. On October 10, 2016, Jerry Jones requested that Ms. Megel provide him with an oven repair person's phone number. Ms. Megel refused to provide the number to Jerry Jones, because she had already called the repairman and she feared Jerry Jones would damage the relationship with the repairman if Ms. Megel allowed Jerry to contact him directly.

19. Later that day, Jerry Jones told delivery driver Jim Muehle and Aksarben location manager Hailey Clausse that Ms. Megel was a "fucking cunt bitch" and instructed them that nobody needed to answer to Ms. Megel while Bill Jones was out of town.

20. On October 11, 2016, Muehle informed Jerry Jones that Ms. Megel had asked him to write down Jerry's comments. Jerry Jones told Muehle that people's jobs were on the line, including Muehle's, so Muehle better not put anything in writing. Muehle returned to the bakery and told Ms. Megel, in the presence of Cake Designer Linda Caniglio, that he couldn't write anything down because he needed his job.

21. On October 13, 2016, after enduring years of Jerry Jones' verbal abuse and sexual harassment and Jones Bros' refusal to do anything about it, Ms. Megel submitted her notice to Bill Jones.

22. Ms. Megel asked Bill Jones if she could talk to him about her resignation, but he told her he "didn't want to hear it." He only wanted her resignation in writing.

23. Ms. Megel stayed on until October 27, 2016, to help the Jones Bros staff prepare for her departure.

24. Ms. Megel filed charges of sex discrimination and retaliation against Jones Bros with the NEOC and the EEOC. See NEOC Charge NEB 2-16/17-1-47932-RS; EEOC Charge No.

32E-2017-00247. The NEOC rendered its decision on February 22, 2018. The EEOC issued its Right to Sue letter for Ms. Megel's charge against ES&S on April 19, 2018. (A true and correct copy of the EEOC letter is attached as Exhibit A and incorporated here as if fully set forth.)

**FIRST CLAIM  
SEX HARASSMENT BY JONES BROS  
IN VIOLATION OF TITLE VII & NEBRASKA FEPA  
(42 U.S.C. § 2000e-2; Neb. Rev. Stat. §48-1104 *et seq.*)**

25. Ms. Megel incorporates by reference paragraphs 1 through 24, inclusive, as if fully set forth.

26. Jones Bros' demeaning, disrespectful and harassing conduct was a regular component of Ms. Megel's day-to-day work environment. Jerry Jones permeated the workplace with an ongoing barrage of vulgar and demeaning comments about female employees and customers.

27. On an ongoing basis throughout Ms. Megel's employment, Jerry Jones made vulgar sexual comments about female employees and customers, including almost constant comments about women's bodies and his sexual fantasies about women.

28. Jerry Jones constant comments, jokes and innuendo made the workplace unbearable for the majority of female Jones Bros employees. In fact, several females found jobs elsewhere and resigned their positions at Jones Bros to escape the sexually hostile work environment.

29. Ms. Megel complained about Jerry Jones' behavior repeatedly to Bill Jones, but he refused to acknowledge or address the problem. As a result, Jones Bros' female employees continued to be subjected to a workplace permeated with sexual harassment.

30. Ultimately, the workplace became so unbearably hostile, Ms. Megel felt she had no choice other than to resign her position at Jones Bros.

**SECOND CLAIM  
RETALIATION BY JONES BROS  
IN VIOLATION OF TITLE VII & NEBRASKA FEPA  
(42 U.S.C. § 2000e-2; Neb. Rev. Stat. §48-1104 AND 48-1114(1) & (2) *et seq.*)**

31. Ms. Megel incorporates by reference paragraphs 1 through 30, inclusive, as if fully set forth.

32. Ms. Megel engaged in protected activity when she complained about Jerry Jones' illegal sexual harassment of both herself and her female co-workers on multiple occasions.

33. In reaction to Ms. Megel's numerous complaints, Jerry Jones' behavior only became worse. He focused his harassment on Ms. Megel, calling her sexually explicit, derogatory names and humiliating her in front of her co-workers and subordinates.

34. After Ms. Megel reported Jerry Jones' behavior to Jones Bros, her working conditions became so unbearable, she had no choice other than to resign.

**REQUEST FOR RELIEF**

Ms. Megel requests judgment in her favor and awarding the following:

1. Damages for Ms. Megel's lost and future wages;
2. Damages for Ms. Megel's emotional pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life;
3. Damages for Ms. Megel's out-of-pocket expenses for mental health and counseling treatment;
4. Punitive damages for the Defendant's knowing violation of federal discrimination laws and disregard of Ms. Megel's health and well-being;
5. Costs and attorney fees, as allowed by law, and
6. Other and further relief as the Court deems appropriate.

**PLAINTIFF MAKES DEMAND FOR TRIAL BY JURY.**

**STEPHANIE MEGEL, PLAINTIFF,**

By: /s/ Alexis S. Mullaney

Alexis S. Mullaney #25908

Terry A. White #18282

**CARLSON & BURNETT LLP**

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Omaha, NE 68130

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EEOC Form 161 (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**Exhibit A****DISMISSAL AND NOTICE OF RIGHTS**To: **Stephanie J. Megel**From: **St. Louis District Office  
1222 Spruce Street  
Room 8.100  
Saint Louis, MO 63103**☐*On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

**32E-2017-00247****Joseph J. Wilson,  
State & Local Program Manager****(314) 539-7816****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☐

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☒

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

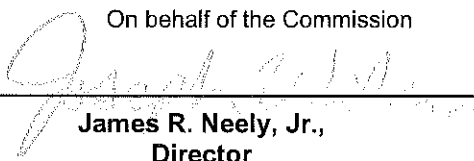
Other (briefly state)

**- NOTICE OF SUIT RIGHTS -***(See the additional information attached to this form.)*

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



**James R. Neely, Jr.,  
Director**

**April 19, 2018***(Date Mailed)*

Enclosures(s)

cc: **KEEPING UP WITH THE JONESES, INC  
D/B/A Jones Bros. Cupcakes  
c/o Kara Stockdale  
BAIRD HOLM  
1700 Farnam St, Ste 1500  
Omaha, NE 68102**

**Alexis Mullaney  
CARLSON & BURNETT  
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